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INFO RUEHLO/AMEMBASSY LONDON IMMEDIATE 2027
RUCNRAQ/IRAQ COLLECTIVE PRIORITY
RUEHFR/AMEMBASSY PARIS PRIORITY 0239
RHEHNSC/NSC WASHDC PRIORITY
RUEKJCS/JOINT STAFF WASHDC PRIORITY
RUEKJCS/SECDEF WASHINGTON DC PRIORITY
RUEAIIA/CIA WASHINGTON DC PRIORITY
RHMFISS/CDR USCENTCOM MACDILL AFB FL PRIORITY

S E C R E T SECTION 01 OF 02 BAGHDAD 003365

SIPDIS

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TAGS: [PREL](#) [PGOV](#) [PTER](#)

SUBJECT: UPCOMING TRANSFER OF AAH LEADER QAYS AL-KHAZALI TO
GOI CUSTODY

REF: A. BAGHDAD 3009

[1](#)B. BAGHDAD 2228

[1](#)C. BAGHDAD 1507

Classified By: CDA Robert Ford for reasons 1.4 B AND D

[1](#)1. (S) Summary: Asa,ib Ahl Al Haq (AAH) leader Qays al-Khazali will be transferred (not released) with a warrant to Government of Iraq. The transfer, which is expected December 30, is being done in accordance with the Security Agreement, the Rule of Law, and at the express request of Prime Minister Maliki. End Summary.

[1](#)2. (S) U.S. Forces have held AAH leader Qays al-Khazali in detention since his capture in March 2007. Beginning in May 2009, AAH committed to the principles of reconciliation with the GOI, including implementing a ceasefire on U.S. and Iraqi forces, taking/holding no hostages, beginning to disarm, breaking from malign foreign governments, and joining the political system. As a signal to the group, MNF-I released Qays, brother, Layth, from detention in early June in response to a GOI request and in accordance with the U.S.-Iraq Security Agreement. Since that time, the U.S. has released or transferred to GOI custody over 600 AAH-affiliated detainees as well as 1,000 Shia detainees not related to AAH. The releases have included locally prominent individuals such as Abdul Hadi al-Durraji and Hassan Salem. There have been no verified AAH violations of the ceasefire in over six months and the group has returned the bodies of three deceased UK hostages while continuing to hold two British citizens, Peter Moore and Alan McMenemy.

[1](#)3. (S) The GOI has facilitated many actions in support of reconciliation but has yet to take major steps of its own on behalf of the process. AAH leaders have pushed the GOI to signal its commitment but thus far have been frustrated. Of particular concern to AAH is that the GOI take steps to apply reconciliation principles to its handling of legal cases against individuals associated with the group, consistent with the rule of law. AAH has told MNF-I/Emboffs that the U.S. has demonstrated greater commitment and flexibility than the GOI has.

[1](#)4. (S) To force GOI ownership and buy-in to the process, MNF-I intends to transfer Qays al-Khazali with a warrant to Iraqi custody by the end of December. By taking custody of Qays, the GOI then becomes responsible for both resolving his legal case and affecting the recovery of the UK hostages. MNF-I and the Embassy have made clear to key GOI officials that the government should not resolve Qays, legal case until AAH makes final progress on reconciliation principles, including release of hostages.

15. (S) Messaging to key constituencies will be a critical element in the successful resolution of the situation. MNF-I/Emboffs are working in close coordination with UK Embassy counterparts in Baghdad. Media themes to consider deploying are:

-- The United States is complying with the U.S.-Iraq Security Agreement.

-- Reconciliation efforts between the GoI and AAH have been ongoing for over a year.

-- United States Forces support the development of a secure and stable Iraq governed by the rule of law.

-- Reconciliation of Iraq,s various communities has been and is a fundamental element of our comprehensive approach to supporting the establishment of peace and security in Iraq. Qsupporting the establishment of peace and security in Iraq.

-- The United States remains fully committed to full implementation of the U.S.-Iraq Security Agreement and is obligated to respond favorably to requests from the sovereign Government of Iraq that are in accordance with the Agreement.

-- The recent moves are consistent with the overall U.S. effort to transfer to Iraqi control or release all detainees still in U.S. custody.

-- The people of the United States, in particular the members of its uniformed military, have made enormous sacrifices on behalf of creating a better future for the

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people of Iraq. Peaceful reconciliation of the country,s various communities would be an important enduring legacy of that sacrifice.

-- The transfer of this warranted individual is in compliance with the Security Agreement, follows Iraqi Rule of Law and is at the specific request of the PM and GoI.
FORD